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The Social Organisation of Human Smuggling

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1 Introduction

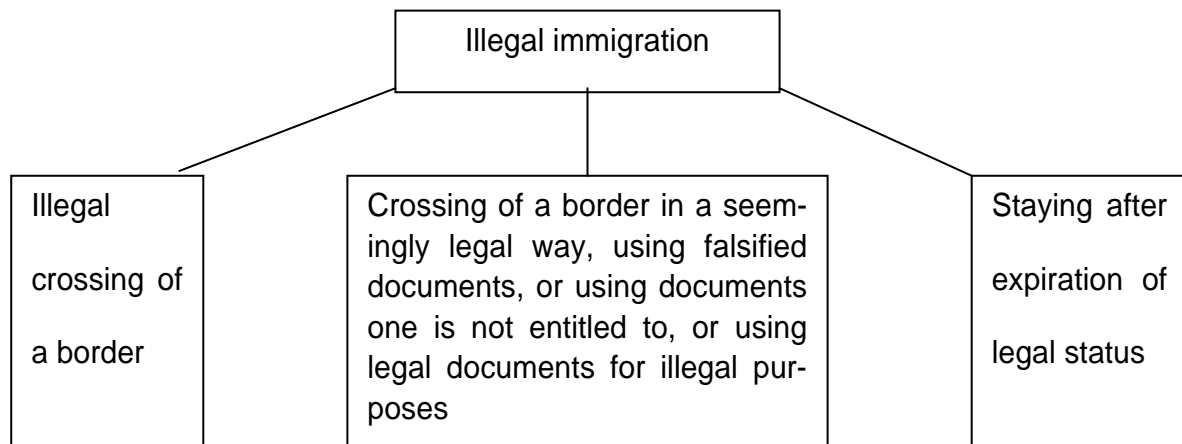
Experts agree that most irregular migration in the modern world is done through different forms of human smuggling and that human smuggling is a business. Little is known, however, in a systematic way, about the organisation of the smuggling process. The idea of an internationally operating, highly organised and centralised, pyramid-like mafia organisation that does not only trade in migrants, but also with prostitutes, weapons and drugs is very popular (Işduygu and Toktas 2002,26; Kyle and Koslowski 2001a,13). Conceptual terms that are used for the analysis of the smuggling process imply a variety of theoretical ideas: “migration merchants”, “large and well-organized trans-national criminal organisations”, “mom-and-pop operators or “smuggling industry” are some of these.

What we find in these terms are implicit ideas about the social organisation of the smuggling process. I want to make these implicit ideas more explicit and will test them on the basis of an empirical research project at the *European forum for migration studies*.

2 Types of human smuggling: theoretical considerations

Illegal or irregular immigration takes on many different forms that depend much on existing legal regulations, policing, border regimes, reactions of smugglers and migrants towards these conditions, and physical characteristics of the border areas. There are, however, three basic forms or types of illegal migration that may have many subtypes and variations depending upon the conditions mentioned (Figure 1).

Figure 1: Basic forms of illegal immigration



What is the relation between illegal migration and human smuggling? Illegal migration can be organised in different ways. In an ideal typical way we may discern forms of illegal migration that are totally **self-organised** by the migrating person(s). In other cases migrating persons may “buy” certain smuggling **services** that are necessary **at certain points or intervals** of being “en route”.

A third ideal type could be a **network** or an organisation that has **the whole smuggling operation** – from recruitment to insertion – **under its control** and is operating both in the country of origin and the immigration country.

How can we obtain empirical information about human smuggling for research? The main sources are:

- interviews with smuggled people
- expert interviews (police, social workers, health services personell)
- records of police investigations, reports by public prosecutors, court records

An on-going research project at the european forum for migration studies (efms) at the University of Bamberg, “Human Smuggling and Trafficking in Migrants: Types, Origins and Dynamics”, financed by the German National Research Foundation DFG, has been conducting 20 expert interviews and analyses 51 court cases of human smuggling on the basis of police investigation and court proceedings. This is easily said, but involves an enormous amount of work that our researcher Mathias Neske has done, who is both a social scientist and a former police man.

On the basis of the expert interviews and the literature a set of dimensions was developed to analyse the material. The goal was to arrive at types of human smuggling and thus to test the assumptions of the “Mafia hypothesis”.

Among the dimensions that were analysed in the 51 court cases we should mention the following: nationality, education and socio-economic status of smugglers; reconstruction of positions, functions and roles in the smuggling process; ethnic belonging of smugglers; mobilisation and motivation of persons smuggled; ethnic composition of smuggled groups, forms of travelling, means of transportation; distances to be covered; forms of border crossing; financial relations and transactions among smuggled and smugglers.

The goal of the analysis was to form types through recognizing common characteristics among cases through a qualitative Verstehen method and to confirm this by quantitative cluster analysis.

3. Empirical typology

3.1 Self organised illegal migration with support of smuggling services

In this type, which we found in 15 court cases from the Czech-German border, smuggling is a support function for illegal migration that the migrants have largely organised for themselves, but depend at certain intervals and locations on help from others. Typically, the migrant could travel on his own, say from Romania to Prague, and then look on a “smugglers market” for a smuggler who would lead him personally across the border to Germany, or lead him to the green border and tell him how to cross it. A smugglers’ market is a location where smugglers offer their services, like in a railway station.

Both for the smuggled and the smugglers this type of illegal migration is poverty driven and does not involve large amounts of money. The method of payment is usually through cash.

In terms of social organisation the relations between smuggler and smuggled migrant are constituted through a market type of relation and form of exchange.

About the market as a form of providing “smuggling services”: Are there any special characteristics of this form of market versus “more normal” markets? Of course, market is an exchange process that is based on the interest of the actors. But we know

that market exchange processes, in particular well functioning markets, are not based on interest alone, but require certain rules that help to minimize risks involved in the exchange. These rules, on the one hand, could be given by the state in the form of market regulations, and on the other, by a system of market morals and of mutual trust (Esser 2000,172). The particular risks in a smugglers' market are constituted by a lack of such rules and by the fact that the exchange usually is a single exchange which gives the buyer hardly any sanctioning power. He could only inform other potential migrants about the case, but it would be difficult for them to use this information. Thus the smugglers' market with an exchange of a limited and short term service is a market with high risks involved for the "customers" and a high probability of the migrant being cheated.

We have evidence for this from the US. The actions of certain "Pateros", i.e. single smugglers at the Mexican-Texas border, who cheat their customers may serve as an illustration of this risk. "This type of smuggler can frequently be found loitering around international bridges in addition to the bus stations of Mexican border cities. Migrants who are unaware of the realities of the journey they have undertaken are often victimized by these smugglers, who take their money in advance, lead them across the river, and abandon them to their fate once they are on the Texas side. This fate usually includes quick apprehension by the Border Patrol and often includes assault and worse by bandits who lurk in the darkness near the river on the US side. A frequent complaint is that the assailants in these cases include the smugglers themselves" (Spener 2001, 135-136).

3.2 Visa smuggling

This is a case of smuggling that has recently received a lot of attention in relation to the so-called "Visa Affair" in Germany. In conventional forms of thinking this may not be called a form of smuggling, but if smuggling is assistance to forms of illegal migration, then this is smuggling. People travel across borders with legal documents, but they have received the documents or visa through illegal practises and with the support of paid illegal services. There are four court cases of this kind in our material and the cases involve thousands of people.

The organisation necessary consists of a coordinator in the country of origin – individual person, or small network, or small travel agency – and a similar structure in the

country of destination. Conditions in the country of origin are thus that for political reasons a generous visa practise has been recommended by the authorities of the country of destination for the consulates or embassies in the emigration country.

The smugglers in the country of destination provide their partners in the country of origin with documents that entitle the holder to apply for a legal visa to the country of destination. Through different kinds of illegal practises the smugglers make available **invitations for private visits**, with declarations of sponsorship in case of emergency and insurance papers; they also make up **business invitations** and through fraud and deception get hold of hotel reservations and other documents that seemingly will be used for **touristic travel**.

These documents are sent to the smuggling partner in the country of origin, where he sells the documents to customers. These then will go to the embassies and consulates, who quite often are overworked and don't have much time to check the documents. Other documents, like insurances or income statements that travellers need can sometimes –like in the Ukrainian case - be substituted for by documents that often can be bought in the streets.

Since for the smugglers – or travel agents of illegal migration – it is enough to provide documents and the provision of logistics over long distances is not needed – no large “Mafia” organisation is necessary. A network of two individuals or small organising unit is enough for the purpose.

The relation between customer and provider of smuggling services again is constituted in a market situation. The risk for the customer consists of a possibly bad quality of the documents provided and thus not getting the visa, and of loosing a substantial amount of money (several hundred to 2000 EUR) that has to be paid in cash and before a success of the journey. On the other hand, the smuggler in the country of origin has to act rather in public, is dependent on satisfied customers for the keeping up and possibly expansion of his business and thus is under a certain social control.

On the side of the customers visa smuggling requires quite some money, and in this way is different from the form of poverty smuggling of the first type. It is, of course, also, a much more comfortable form after having received the legal visa.

On the side of the smugglers the qualifications required are quite different from the first type of foot smuggler as well. They have to know languages and must have rela-

tions abroad, must have an understanding of legal procedures and bureaucracies, and be able to communicate well with different kinds of persons and institutions.

In the third type of smuggling which we will present, **common ethnicity** plays an important role as an element of the social organisation of the smuggling process. This is not the case with visa smuggling.

3.3 Smuggling network

This is by far the most frequent type of organising smuggling operations found in our court cases. There are 27 cases which fall in this category. Within this type subtypes can be discerned, but I will leave this out and instead construct a rather abstract type which bears central characteristics of this kind of social organisation and will illustrate it in the following way:

Two Afghans have met at a Czech university and are now living in Hamburg and Moscow. As they were sent to Europe during Soviet times and were supported by the regime, they could not return to Afghanistan after the fall of the communist regime. They have developed numerous contacts to fellow countrymen in many other countries. Without having been involved in criminal activities before they are now using their contacts to organise human smuggling operations. All along the route from Afghanistan to Hamburg they have cooperating contacts who help them. Only the two smugglers know all of these persons, but these don't know one another.

The smugglers use the method of recruitment to get customers. The recruitment activities are carried out in Kabul by local accomplices and the journey begins as soon as relatives of the person to be smuggled who live in Hamburg have paid the first instalment for the trip via Hawala. The persons to be smuggled are taken out of the country in a minibus and are taken care of along the route to Moscow by the different accomplices of the two Afghans, who provide them with food and lodging and who bribe the border guards. After the arrival in Moscow a Moscow based Afghan organises a trip with other Afghans to Prague. The smuggled group carries a mobile phone during the whole journey enabling them to contact the two core smugglers in case of problems. In Prague the smugglers use the assistance of locals to organise a ride to the border and the last smuggling stage on foot to Germany. With the arrival of the smuggled person the work of the smugglers is finished and the final sum is paid.

Police experts and literature (Icduygu and Toktas 2002) tell us that this type of smuggling quantitatively has become the most important contemporary forms of organising human smuggling operations. In sociological terms, what kind of structure do we have in this case? A first and general answer is that the case represents **network relations among smugglers**.

A network consists of units and their relations. With reference to the illustrative case we could say that there is a unit of an initiating and organising individual or of a (small) group of individuals who are the “entrepreneurial” part of the network. The other units are locally and internationally spread out “helpers” or “contacts”. Since human smuggling in present times almost exclusively is a business the relations between “entrepreneur” and “helpers” are characterised by mutual economic interest. In case the relations are, moreover, kin and/or ethnic relations communication in the net is eased and the relations can be more stable. This is what can explain the ethnic homogeneity of the smugglers’ networks. Kin and ethnic ties are connected with obligations of solidarity which can be mobilised for the network activity.

Despite kin and ethnic relation the **human smugglers’ network** is one of **high asymmetry**. The entrepreneurial core person(s) is (are) clearly dominating and profiting most from the network or even exploiting the helpers. The smugglers’ network, in addition, is highly **centralised**, mostly even an extreme case of centralisation. In terms of network concepts it represents a star configuration. All relations are from the core to the other units, but there are no relations among the other units. This constitutes a singular power for the core.

Hartmut Esser (2000,196/197) distinguishes networks of “negativer Verbundenheit” or “negative union” from networks of “positiver Verbundenheit” or “positive union”. They constitute very different “worlds” in which very different strategies of action are prevalent. Networks of “positiver Verbundenheit” are characterised by relations of prestige, mutual sympathy, trust and help; hence they are mutually supportive and complementary. The value of an actor’s relation to another actor increases with the value of this actor’s relations and resources.

Networks of “negative union” are characterised by unequal power relations and the competition for the control of scarce goods among the actors. Despite the ethnic bond in the network the smugglers’ networks is a case of “negativer Verbundenheit”.

The function that ethnicity plays is one of easing communication, but not of establishing mutual relations of sympathy and help.

The difference between positive and negative union is very helpful particularly to explain the difference between networks in which human smuggling is a business – which is today's normality – and **idealistic networks of human smugglers**. The network that smuggled German-Jewish intellectuals and artists out of Germany during the Nazi rule or student groups of "Fluchthelfer" from the Free University of Berlin who smuggled East Germans through the Wall clearly are characterised by relations of positive union different from contemporary commercial smuggling networks.

4. Conclusion

Smuggling networks clearly represent a different form of social organisation than a pyramid like hierarchical Mafia organisation. Both in the 20 expert interviews and the 51 court cases we found no evidence for the mafia hypothesis.

In our study we did not have cases of ship smuggling involving hundreds or even thousands of people being illegally transported to the shores of destination countries. What is different in such cases is the logistic job to be done, that is the transport of a large number of people which requires a different form of organisation. The little evidence from Chinese American sources (Meyers 1997 and Chin 2001) we have regarding this form of smuggling suggests, however, that here again it is not one large organisation who does these operations, but a network of organisations, an inter-organisational network. According to leading economic theorists this is an independent form of coordination of economic activities. It would go too far to lay down its functioning principles. But again, no evidence to support the mafia hypothesis.

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